

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

LARA M. SANDERS,

Plaintiff,

v.

CACH, LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 19-996 (JLL)

**OPINION & ORDER**

**LINARES**, Chief District Judge

**IT APPEARING THAT:**

1. Currently pending in this action to recover damages for alleged violations of the Fair Debt Collection Practices Act and the Fair Credit Reporting Act is the defendants' motion pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) to dismiss the complaint. (ECF Nos. 10, 11.) The plaintiff has filed opposition to the motion. (ECF No. 16.)

2. The Court resolves the defendants' motion to dismiss upon a review of the papers and without oral argument. *See* L. Civ. R. 78.1(b). In addition, although the Court previously extended the time for the defendants to file a reply (ECF No. 18), the Court determines that such a reply is not necessary for the Court to reach its

determination here. For the following reasons, the motion is administratively terminated without prejudice, and the plaintiff is granted leave to file an amended complaint.

3. In response to the defendants' motion to dismiss, the plaintiff seeks leave to amend the complaint: **(a)** to add certain allegations in order to clarify that the debt in issue arises from a consumer debt involving a personal credit card (ECF No. 16 at 2); **(b)** to correct an inadvertent reference to 15 U.S.C. § 1692g in the complaint (*id.* at 3); and **(c)** "to better reflect the facts of this case" (*id.* at 5).

4. The Court has the inherent power to control the docket. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *Rolo v. Gen. Dev. Corp.*, 949 F.2d 695, 702 (3d Cir. 1991). In the interests of justice and for administrative purposes, the plaintiff should be permitted to amend her complaint at this juncture before the defendants' motion to dismiss is resolved by the Court, thereby providing a clearer picture of what the plaintiff is attempting to assert in support of this action. *See Fed. R. Civ. P. 15(a)*. For good cause shown:

**IT IS THEREFORE** on this 15th day of May, 2019, **ORDERED** that the defendants' motion to dismiss the complaint (**ECF No. 10**) is **ADMINISTRATIVELY TERMINATED** without prejudice; and it is further

**ORDERED** that the plaintiff is directed to file an amended complaint within fourteen (14) days of the entry of this Order; and it is further

**ORDERED** that if the plaintiff fails to file an amended complaint, then the defendants are granted leave to renew their original motion to dismiss by: **(1)** filing a new notice of motion; and **(2)** referring to the papers that were previously filed in support of their original motion to dismiss.

A handwritten signature in black ink, appearing to read "Jose L. Linares", is written over a horizontal line.

**JOSE L. LINARES**  
Chief Judge, United States District Court